



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2485

DATE SCANNED

1/24/12

SCANNER NO.

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SCAN OPERATOR

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 10, 2011

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer  
Acting Staff Director

FROM: Patricia Carmona *NUE for*  
Chief Compliance Officer

Debbie Chacona *NUE for*  
Assistant Staff Director  
Reports Analysis Division

BY: Jodi Winship *W* Sari Pickeral/Ian Wandner  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2011 April Quarterly Report for the  
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2011 April Quarterly Report in accordance with 2 U.S.C. 434(a). The April Quarterly Report was due on April 15, 2011.

The committees listed in the attached RTB Circulation Report failed to file the report. In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission  
Reason to Believe Circulation Report  
2011 APRIL QUARTERLY Not Election Sensitive 04/15/2011 H\_S\_P

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2478	C00477190	BILL LYNCH FOR CONGRESS	LYNCH, WILLIAM J	LOUIS YIP	\$150,781	0		Not Filed	\$150,781 (est)	\$6,050
2479	C00463950	CHERYLE JACKSON FOR U S SENATE	JACKSON, CHERYLE	CAROL STANLEY-ROBBINS	\$237,903	1		Not Filed	\$237,903 (est)	\$8,937
2480	C00468603	CLINT DIDIER FOR SENATE	DIDIER, CLINT B	MELISSA MILAM	\$299,519	0		Not Filed	\$299,519 (est)	\$8,800
2481	C00463976	DEDE FOR CONGRESS INC	SCOZZAFAVA, DIERDRE K	DIERDRE K SCOZZAFAVA	\$109,229	1		Not Filed	\$109,229 (est)	\$6,187
2482	C00484212	HUNT B DOWNER CAMPAIGN	DOWNER, HUNTINGTON B JR	ROBERT M THOMPSON JR	\$279,844	0		Not Filed	\$279,844 (est)	\$8,800
2483	C00474692	JEFF BARNETT FOR CONGRESS	BARNETT, JEFFERY ROBERT	JOYCE MCEWEN	\$169,656	0		Not Filed	\$169,656 (est)	\$6,050
2484	C00477935	JOHN ASLANIAN FOR CONGRESS	ASLANIAN, JOHN	DOUG SHARA	\$102,369	0		Not Filed	\$102,369 (est)	\$4,950
2485	C00467027	POLLAK FOR CONGRESS	POLLAK, JOEL BARRY	NEIL JOHNSON	\$153,371	0		Not Filed	\$153,371 (est)	\$6,050

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation - 2011 )  
April Quarterly Report for the )  
Administrative Fine Program: )  
BILL LYNCH FOR CONGRESS, and ) AF# 2478  
LOUIS YIP as treasurer; )  
CHERYLE JACKSON FOR U S SENATE, ) AF# 2479  
and CAROL STANLEY-ROBBINS as )  
treasurer; )  
CLINT DIDIER FOR SENATE, and ) AF# 2480  
MELISSA MILAM as treasurer; )  
DEDE FOR CONGRESS INC, and ) AF# 2481  
SCOZZAFAVA, DIERDRE K as treasurer; )  
HUNT B DOWNER CAMPAIGN, and ) AF# 2482  
ROBERT M THOMPSON JR as treasurer; )  
JEFF BARNETT FOR CONGRESS, and ) AF# 2483  
MCEWEN, JOYCE MS. as treasurer; )  
JOHN ASLANIAN FOR CONGRESS, and ) AF# 2484  
DOUG SHARA as treasurer; )  
POLLAK FOR CONGRESS, and ) AF# 2485  
JOHNSON, NEIL as treasurer; )

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CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election

Commission, do hereby certify that on June 13, 2011 the Commission took the following actions on the Reason To Believe Recommendation - 2011 April Quarterly Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated June 10, 2011, on the following committees:

AF#2478 Decided by a vote of 6-0 to: (1) find reason to believe that BILL LYNCH FOR CONGRESS, and LOUIS YIP as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2479 Decided by a vote of 6-0 to: (1) find reason to believe that CHERYLE JACKSON FOR U S SENATE, and CAROL STANLEY-ROBBINS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2480 Decided by a vote of 6-0 to: (1) find reason to believe that CLINT DIDIER FOR SENATE, and MELISSA MILAM as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2481 Decided by a vote of 6-0 to: (1) find reason to believe that DEDE FOR CONGRESS INC, and SCOZZAFAVA, DIERDRE K as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2482 Decided by a vote of 6-0 to: (1) find reason to believe that HUNT B DOWNER CAMPAIGN, and ROBERT M THOMPSON JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners

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Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2483 Decided by a vote of 6-0 to: (1) find reason to believe that JEFF BARNETT FOR CONGRESS, and MCEWEN, JOYCE MS. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2484 Decided by a vote of 6-0 to: (1) find reason to believe that JOHN ASLANIAN FOR CONGRESS, and DOUG SHARA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2485 Decided by a vote of 6-0 to: (1) find reason to believe that POLLAK FOR CONGRESS, and JOHNSON, NEIL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

June 14, 2011  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

June 15, 2011

Neil Johnson, in official capacity as Treasurer  
Pollak for Congress  
500 Davis Street, Suite 812  
Evanston, IL 60201

C00467027  
AF#: 2485

Dear Mr. Johnson:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an April Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through March 31, 2011, shall be filed no later than April 15, 2011. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On June 13, 2011, the FEC found that there is reason to believe ("RTB") that Pollak for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before April 15, 2011. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$6,050. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$6,050 is due within forty (40) days of the finding, or by July 23, 2011, and is based on these factors:

Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$153,371  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or July 23, 2011. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Pollak for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

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### 3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Cynthia L. Bauerly  
Chair

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$6,050 for the 2011 April Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by July 23, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
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FOR: Pollak for Congress

FEC ID#: C00467027

AF#: 2485

PAYMENT DUE DATE: July 23, 2011

PAYMENT AMOUNT DUE: \$6,050

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 17, 2011

MEMORANDUM

TO: The Commission

THROUGH: Alec Palmer  
Staff Director

FROM: Patricia Carmona *PC for PC*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: *JW* Jodi Winship/Sari Pickerall/Ian Wandner *SW*  
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the  
2011 April Quarterly Report

Attached is a list of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2011 April Quarterly Report. The list represents the committees that have not paid the civil money penalty. These committees have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, seven (7) committees disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty and will be assessed a civil money penalty at Final Determination (FD) that has been reduced since the RTB finding. An overview of each of these cases has been provided below.

Bill Lynch for Congress (AF 2478) filed the 2011 April Quarterly Report after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty

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than that assessed at RTB. The committee disclosed total receipts and disbursements of \$171 (previously calculated to be \$150,781), thus the fine would be lowered from \$6,050 to \$171.

Cheryle Jackson for U S Senate (AF 2479) filed the 2011 April Quarterly Report after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$524 (previously calculated to be \$237,903), thus the fine would be lowered from \$8,937 to \$312.

Clint Didier for Senate (AF 2480) filed the 2011 April Quarterly Report after the RTB finding and disclosed no activity (previously estimated to be \$299,519), which would result in no civil money penalty (fine previously assessed to be \$8,800).

Dede for Congress Inc (AF 2481) filed the 2011 April Quarterly Report after the RTB finding and disclosed no activity (previously estimated to be \$109,229), which would result in no civil money penalty (fine previously assessed to be \$6,187).

Jeff Barnett for Congress (AF 2483) filed the 2011 April Quarterly Report after the RTB finding and disclosed no activity (previously estimated to be \$169,656), which would result in no civil money penalty (fine previously assessed to be \$6,050).

John Aslanian for Congress (AF 2484) filed the 2011 April Quarterly Report after the RTB finding and disclosed a level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$298 (previously calculated to be \$102,369), thus the fine would be lowered from \$4,950 to \$250.

#### **RAD Recommendation**

- (1) Make final determination that the political committees and their treasurers on the attached reports violated 2 U.S.C. § 434(a) and assess the final civil money penalties so indicated.
- (2) Make final determination that the political committees and their treasurers listed on the attached reports with no activity, violated 2 U.S.C. § 434(a) and will not be assessed a civil money penalty.

Federal Election Commission  
FD Circulation Report Review - Fine Not Paid  
2011 APRIL QUARTERLY Not Election Sensitive 04/15/2011 H\_S\_P

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Days Since RTB	FD Penalty
2478	BILL LYNCH FOR CONGRESS	LYNCH, WILLIAM J.	C00477190	LOUIS YIP	07/29/2011	Not Filed	\$171	0	08/13/2011	\$8,050	65	\$171
2479	CHERYLE JACKSON FOR US SENATE	JACKSON, CHERYLE	C00463950	CAROL STANLEY-ROBBINS	08/15/2011	Not Filed	\$524	1	08/13/2011	\$8,937	65	\$312
2480	CLINT DIDIER FOR SENATE	DIDIER, CLINT B.	C00468803	MELISSA MILAM	08/10/2011	Not Filed	\$0	0	08/13/2011	\$8,800	65	None
2481	DEDE FOR CONGRESS INC	SCOZZAFAVA, DIERDRE K.	C00463976	DIERDRE K. SCOZZAFAVA	07/18/2011	Not Filed	\$0	1	08/13/2011	\$8,187	65	None
2482	HUNT B DOWNER CAMPAIGN	DOWNER, HUNTINGTON B. JR	C00484212	ROBERT M. THOMPSON, JR.		Not Filed	\$279,844 (est)	0	08/13/2011	\$8,800	65	\$8,800
2483	JEFF BARNETT FOR CONGRESS	BARNETT, JEFFERY ROBERT	C00474892	JOYCE MCEWEN	07/15/2011	Not Filed	\$0	0	08/13/2011	\$8,050	65	None
2484	JOHN ASLANIAN FOR CONGRESS	ASLANIAN, JOHN	C00477835	DOUG SHARA	07/20/2011	Not Filed	\$288	0	08/13/2011	\$4,950	65	\$250
2485	POLLAK FOR CONGRESS	POLLAK, JOEL BARRY	C00487027	NEIL JOHNSON		Not Filed	\$153,371 (est)	0	08/13/2011	\$8,050	65	\$8,050

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Administrative Fine Program - Final )  
Determination Recommendation for the )  
2011 April Quarterly Report: )  
BILL LYNCH FOR CONGRESS, and ) AF# 2478  
LOUIS YIP as treasurer; )  
CHERYLE JACKSON FOR U S SENATE, ) AF# 2479  
and CAROL STANLEY-ROBBINS as )  
treasurer; )  
CLINT DIDIER FOR SENATE, and ) AF# 2480  
MELISSA MILAM as treasurer; )  
DEDE FOR CONGRESS INC, and ) AF# 2481  
SCOZZAFAVA, DIERDRE K as treasurer; )  
HUNT B DOWNER CAMPAIGN, and ) AF# 2482  
ROBERT M THOMPSON JR as treasurer; )  
JEFF BARNETT FOR CONGRESS, and ) AF# 2483  
MCEWEN, JOYCE MS. as treasurer; )  
JOHN ASLANIAN FOR CONGRESS, and ) AF# 2484  
DOUG SHARA as treasurer; )  
POLLAK FOR CONGRESS, and ) AF# 2485  
JOHNSON, NEIL as treasurer; )

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CERTIFICATION

I, Shelley E. Garr, Deputy Secretary of the Federal Election Commission, do hereby certify that on August 18, 2011 the Commission took the following actions on the Administrative Fine Program - Final Determination Recommendation for the 2011 April Quarterly Report as recommended in the Reports Analysis Division's Memorandum dated August 17, 2011, on the following committees:

AF#2478 Decided by a vote of 6-0 to: (1) make a final determination that BILL LYNCH FOR CONGRESS, and LOUIS YIP as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2479 Decided by a vote of 6-0 to: (1) make a final determination that CHERYLE JACKSON FOR U S SENATE, and CAROL STANLEY-ROBBINS as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2480 Decided by a vote of 6-0 to: (1) make a final determination that CLINT DIDIER FOR SENATE, and MELISSA MILAM as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2481 Decided by a vote of 6-0 to: (1) make a final determination that DEDE FOR CONGRESS INC, and SCOZZAFAVA, DIERDRE K as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2482 Decided by a vote of 6-0 to: (1) make a final determination that HUNT B DOWNER CAMPAIGN, and ROBERT M THOMPSON JR as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2483 Decided by a vote of 6-0 to: (1) make a final determination that JEFF BARNETT FOR CONGRESS, and MCEWEN, JOYCE MS. as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2484 Decided by a vote of 6-0 to: (1) make a final determination that JOHN ASLANIAN FOR CONGRESS, and DOUG SHARA as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2485 Decided by a vote of 6-0 to: (1) make a final determination that POLLAK FOR CONGRESS, and JOHNSON, NEIL as treasurer, violated 2 U.S.C. 434(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

August 19, 2011  
Date

Shelley E. Galt  
Shelley E. Galt  
Deputy Secretary of the Commission

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 19, 2011

Neil Johnson, in official capacity as Treasurer  
Pollak for Congress  
500 Davis Street, Suite 812  
Evanston, IL 60201

C00467027  
AF#: 2485

Dear Mr. Johnson:

On June 13, 2011, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Pollak for Congress and its treasurer violated 2 U.S.C. § 434(a) for filing late or failing to file the 2011 April Quarterly Report. By letter dated June 15, 2011, the Commission sent notification of the RTB finding that included a civil money penalty calculated at the RTB stage of \$6,050 in accordance with the schedule of penalties at 11 CFR § 111.43. Within forty (40) days of the FEC's RTB finding, its treasurer was required to either transmit payment of the calculated civil money penalty or submit a written response challenging either the RTB finding or the calculated civil money penalty. You must also file the 2011 April Quarterly Report if you have not already done so.

The FEC did not receive payment of the calculated civil money penalty or a written response within the time permitted. The FEC made a final determination on August 18, 2011 that you, in your official capacity as treasurer, and Pollak for Congress violated 2 U.S.C. § 434(a) and assessed a civil money penalty in the amount of \$6,050 in accordance with 11 CFR § 111.43. The civil money penalty is based on these factors:

Election Sensitivity of Report: Not Election Sensitive  
Level of Activity: \$153,371  
Number of Days Late: Not Filed  
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

**1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within thirty (30) days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise

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an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

**2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal**

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within thirty (30) days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within five (5) days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the civil money penalty, send the enclosed remittance form, along with your payment, to the address on page 3 within thirty (30) days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 CFR § 111.42(b). Although the file must be placed on the public record within thirty (30) days from the date of the Commission's notification, this could occur at anytime following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Sari Pickerall at Federal Election Commission, 999 E St., NW, Washington, DC 20463, or our toll free number (800) 424-9530 (at the prompt, press 5) or (202) 694-1130.

On behalf of the Commission,



Cynthia L. Bauerly  
Chair

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**ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the civil money penalty is \$6,050 for the 2011 April Quarterly Report.

This penalty should be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission  
PO Box 979058  
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The form and payment are due within thirty (30) days of receipt of this letter.

**Payments by Personal Check**

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

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FOR: Pollak for Congress

FEC ID#: C00467027

AF#: 2485

PAYMENT AMOUNT DUE: \$6,050

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**ELECTRONIC CERTIFICATION AGREEMENT FOR  
DEBTS SUBMITTED TO THE FINANCIAL MANAGEMENT SERVICE'S  
CROSS-SERVICING PROGRAM**

**This Agreement is submitted by:** Federal Election Commission

**Creditor Agency:** Federal Election Commission

**Date of Agreement:** November 23, 2010

**The Creditor Agency agrees that:**

- I. This Agreement covers all debts, including updates, changes, and modifications (Debts) submitted by Electronic Transmission on or after the date of this Agreement, by the above-named Creditor Agency (Agency) to the Financial Management Service (FMS), a bureau of the U.S. Department of the Treasury, for collection through FMS's Cross-Servicing Program (Cross-Servicing);
- II. The Agency will submit Debts to Cross-Servicing via Electronic Transmission of "Add Records" or "Update Records," as described in the attached Exhibit A. Each time the Agency submits a Debt via an Add Record or Update Record, the Agency is certifying the Debt;
- III. Any person who submits Debts via an Add Record or Update Record has or will have delegated authority to certify the Debts on behalf of the head of the Agency, and the Agency will provide a copy of this Agreement to any such person;
- IV. By submitting Debts via an Add Record or Update Record, the person submitting such Debts is certifying to the U.S. Department of the Treasury, under penalty of perjury pursuant to 5 U.S.C. § 5514, 31 U.S.C. § 3716, 31 U.S.C. § 3720A, and 28 U.S.C. § 1746 that, to the best of his or her knowledge and belief, the following is true and correct:
1. **Valid Debts.** The Debts are delinquent, valid and legally enforceable in the amounts stated. The Agency will properly credit collections (other than TOP collections) to the delinquent debtors' accounts and notify FMS of any change in the amount, validity or legal enforceability of the Debt.
  2. **No Bar to Collection.** The Debts are not subject to any circumstances that legally preclude or bar collection, including collection by offset. There are no foreclosures pending with respect to any collateral securing a Debt. The Agency's records do not show that any debtor owing a Debt has filed for bankruptcy protection. Alternatively, the Agency can clearly establish that any automatic stay has been lifted or is no longer in effect.

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3. ***Administrative Offset and Tax Refund Offset.*** If the Agency has established a profile instructing FMS to refer Debts to the Treasury Offset Program (TOP) on its behalf for the purposes of tax refund and administrative offset, the person submitting such Debts will be certifying to the following:

- a. The Agency has complied with all of the provisions of 31 U.S.C. § 3716, 31 U.S.C. § 3720A, 31 C.F.R. §§ 285.2 and 285.5, and the Federal Claims Collection Standards (31 C.F.R. Parts 900-904), as may be amended, as well as other statutes, regulations and policies applicable to collection by administrative offset and tax refund offset.
- b. At least 60 days prior to the date of the certification (i.e., date of Electronic Transmission), the Agency has provided, or made a reasonable attempt to provide in accordance with applicable offset regulations, each debtor with:
  - i. written notification, at the debtor's most current known address, of the nature and the amount of the Debt, the intention of the Agency to collect the Debt through administrative offset and tax refund offset, including offset of State payments, and an explanation of the rights of the debtor;
  - ii. an opportunity to inspect and copy the records of the Agency with respect to the Debt;
  - iii. an opportunity for review within the Agency of the determination of the Agency with respect to the Debt, including the opportunity to present evidence that all or part of the Debt is not past-due or legally enforceable; and
  - iv. an opportunity to enter into a written repayment agreement with the Agency
- c. The Agency has considered any evidence presented by the debtor and determined that the amount of the Debt is past-due and legally enforceable and there are no pending appeals of such determination.
- d. The Agency has, at minimum, made the following reasonable efforts to obtain payment of the Debt: demanded payment and provided the debtor with the notice and opportunities described in paragraph 3.b.

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- e. For Debts outstanding more than ten years on or before December 31, 2009, the notice described in paragraph 3.b. was sent to the debtor after the Debt was outstanding for more than ten years, and that the debtor was afforded the rights described in paragraphs 3.b. – 3.d. at that time. This requirement does not apply to any Debt that could be collected by offset without regard to any time limitation prior to December 31, 2009 (e.g., student loans debts, judgments).

4. ***Due Process Compliance for Salary Offset.*** With respect to the offset of Federal salaries, if the Agency has authorized FMS to set up an agency profile so that all debts are referred to TOP for offset of federal salary payments:

- a. The Agency has complied with all of the provisions of 5 U.S.C. § 5514, 5 C.F.R. §§ 550.1101-1110, and 31 CFR § 285.7, as may be amended, as well as other statutes, regulations and policies applicable to collection by salary offset.

- i. The Agency has provided, or made a reasonable attempt to provide, each debtor with the notice, opportunities, and considerations described in paragraphs 3.b., 3.c. and 3.e (if applicable) and the additional notices and opportunities, including the opportunity for waiver consideration and for a hearing, required for salary offset.

5. ***Consumer Reporting Agencies.*** The Agency has complied with all of the provisions of 31 U.S.C. § 3711(e) and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to the Agency's reporting of delinquent debts to consumer reporting agencies. The Agency has:

- a. determined that the debts are valid and overdue;
- b. notified the debtor, more than 60 days prior to the date of the certification:
  - i. that the debt is overdue,
  - ii. that the Agency intends to disclose to a consumer reporting agency that the debtor is responsible for the debt,
  - iii. of the specific information to be disclosed to the consumer reporting agency, and
  - iv. of the debtor's rights to an explanation of the claim, to dispute the information in the Agency's records about the claim, and to

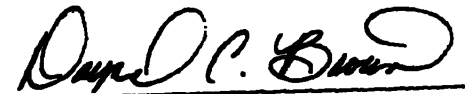
administrative repeal or review of the claim; and

- c. upon the request of a debtor, provided for a review of any debtor's claim, including an opportunity for reconsideration of the initial decision on the claim.

In addition, no debtor has repaid or agreed to repay the claim under a signed repayment agreement or filed for review of the claim.

- d. **Interest and Penalties.** The Agency has complied with all of the provisions of 31 U.S.C. § 3717 and the Federal Claims Collection Standards, as well as other statutes, regulations and policies applicable to Agency's assessment of interest, penalties and administrative costs. The Agency has mailed or hand-delivered a written notice to all debtors explaining the Agency's requirements concerning the charges.

**CERTIFICATION:** Pursuant to 28 U.S.C. § 1746, I certify that I have been delegated authority to execute this Agreement on behalf of the head of my agency.



Dayna C. Brown

Director, Office of Administrative Review

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FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2485

DATE SCANNED

1/24/12

SCANNER NO.

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SCAN OPERATOR

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